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04/06/01

**UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.

361

Total Pages in this Submission

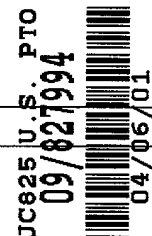
62

TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application****Washington, D.C. 20231**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

DEFECT MANAGEMENT SYSTEM AND METHOD

and invented by:

Niakam Kazemi

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 39 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 18
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☒ Assignment Papers *(cover sheet & document(s))* ✓
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EL716682460US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Additional Enclosures *(please identify below):*

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Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	36	- 20 =	16	x \$18.00	\$288.00
Indep. Claims	3	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$998.00

- ☒ A check in the amount of **\$998.00** to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Signature

R-# 39,491

Dated: April 6, 2001

CC:

April 6, 2001

ATTORNEY DOCKET NO. 361

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

Re: New U.S. Patent Application
Title: DEFECT MANAGEMENT SYSTEM AND METHOD
Inventor: Niakam Kazemi

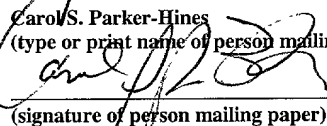
Sir/Madam:

The following papers for filing in the United States Patent and Trademark Office in connection with the above patent application are enclosed.

1. Utility Patent Application Transmittal.
2. Application - 39 pages, including title page, 3 independent claims and 36 claims total.
3. Drawings - 18 sheets of formal drawings.
4. Declaration and Power of Attorney.
5. Recordation Form Cover Sheet (in duplicate) and Assignment to CIENA Corporation.
6. Check in the amount of \$998.00.

Certification Under 37 C.F.R. Section 1.10

I hereby certify that this New Application Transmittal Letter and the documents referred to as being enclosed therein are being deposited with the United States Postal Service on this 6th day of April, 2001 in an envelope marked as "Express Mail Post Office to Addressee" Mail Label Number EL716682460US addressed to Box Patent Application, Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Carol S. Parker-Hines
(type or print name of person mailing paper)

(signature of person mailing paper)

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. Section 1.16 and Section 1.17, at any time during the pendency of this application, or credit any over payment of such fee(s) to Deposit Account No. 50-0308.

Please accord this application a serial number and filing date and record and return the Assignment to the undersigned.

Respectfully submitted,

By:



Michael R. Cammarata
Reg. No. 39,491

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